

Message Text

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ACTION SCSE-00

INFO OCT-01 EUR-12 ISO-00 SCA-01 SSO-00 DHA-02 L-03 JUSE-00

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R 160038Z MAR 77

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 2791

UNCLAS SECTION 01 OF 02 OTTAWA 01577

EO 11652: N/A

TAGS: CASC, CA

SUBJECT: W/W:ARRESTS: CONSULAR VISITS TO PRISONERS

REFS: A) STATE 44225 B) 76 OTTAWA4083

1. EMBASSY HAS AGAIN SURVEYED PRACTICES OF CANADIAN POSTS WITH REGARD TO PRISONER VISITS. FOLLOWING TABLE SETS FORTH ANNUAL OFFICER-DAYS AND TRAVEL COSTS UNDER CURRENT SCHEDULES AS REPORTED IN REF (B); CORRESPONDING COSTS FOR MONTHLY VISITS REQUIRED BY DEPARTMENT; AND DIFFERENCE IN COSTS BETWEEN THESE TWO SCHEDULES:

	CURRENT	REQUIRED	ADDITIONAL	NEEDED
POST	DAYS	COST	DAYS	COST
	DOLS	DOLS	DOLS	DOLS
CALGARY	36	1,200	104	10,000
HALIFAX	8	395	60	2,370
MONTREAL	48	220	124	660
OTTAWA	12	600	36	1,800
QUEBEC	5	175	10	400
TORONTO	12	800	36	2,400
VANCOUVER	50	2,000	218	9,600
WINNIPEG	36	2,000	96	8,000

TOTALS 207 7,390 684 35,230 477 27,840

2. PROJECTED FIGURES ABOVE ARE BASED ON MONTHLY VISIT TO EACH PRISON

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WHERE AMCIT PRISONERS NORMALLY HELD. THESE INCLUDE SOME PROVINCIAL INSTITUTIONS. THEY CAN INCREASE SUBSTANTIALLY AND UNPREDICTABLY AS POSTS LEARN OF PRISONERS IN ADDITIONAL PROVINCIAL OR LOCAL JAILS, OR BECAUSE OF DIFFICULT TRAVELLING CONDITIONS DURING CANADIAN WINTER. ALSO INCLUDED ARE ESTIMATED ADDITIONAL OFFICER-DAYS NEEDED FOR REPORTING AND "CASEWORKER" APPROACH REQUIRED BY DEPARTMENT. INCREASED FSL TIME IS NOT TAKEN INTO ACCOUNT.

3. CONTRARY TO PARA 2 REF (A), ARTICLE 36 OF VIENNA CONVENTION DOES NOT REPEAT NOT REQUIRE AUTOMATIC NOTIFICATION BY CANADIANS OF ALL AMCIT ARRESTS, BUT SIMPLY NOTIFICATION AND ACCESS WHEN PRISONER SO REQUESTS. NEVERTHELESS, WE ARE MAKING PROGRESS IN ARRANGING INFORMALLY FOR NOTIFICATION, AND AT PRESENT TIME RECEIVE FAIRLY COMPLETE REPORTS OF AMCITS ARRESTED IN ALBERTA, ONTARIO, QUEBEC AND BRITISH COLUMBIA. SINCE REMOTENESS OF MANY JAILS WAS MAJOR FACTOR IN NOT NOTIFYING POSTS OF AMCIT INMATES PREVIOUSLY, COST PER PRISONER VISIT TO THOSE LOCATIONS AS WE HEAR FROM THEM WILL BE DRASTICALLY HIGHER THAN CURRENT AVERAGE COSTS PER VISIT, WHICH ARE BASED PRIMARILY ON METROPOLITAN AREAS AND FEDERAL INSTITUTIONS SERVICED BY REGULAR COMMERCIAL TRANSPORTATION.

4. WE CANNOT EXPECT THAT TRANSFER OF SANCTIONS AGREEMENT, ONCE IT BECOMES OPERATIONAL, WILL SIGNIFICANTLY REDUCE TIME REQUIRED FOR PRISONER CARE. TRAVELTIME AND COST PER INSTITUTION REMAIN BASICALLY SAME, WHETHER THERE IS ONE AMCIT INMATE OR DOZEN. MARGINAL SAVINGS IN TALKING TO FEWER PRISONERS PER VISIT PROBABLY WILL BE OFFSET BY ADDITIONAL OFFICE TIME NEEDED TO HANDLE TRANSFER PAPERS, ASSUMING THAT CONSULAR POSTS WILL HAVE ROLE IN THAT PROCESS. INDEED, SOME AMCIT PRISONERS VISITED BY OTTAWA CONSULAR OFFICER WEEK TREATY WAS SIGNED COMMENTED THAT THEY WOULD PREFER TO FINISH THEIR SENTENCES IN CANADA. WE DO NOT KNOWTOWHAT EXTENT AMCIT PRISONERS WILL TAKE ADVANTAGE OF TRANSFER POSSIBILITY.

5. IT SHOULD HAVE BEEN POINTED OUT IN REF (B) THAT CURRENT PRISONER VISITS ARE PERFORMED PARTIALLY BY NON-CONSULAR PERSONNB AT MOST POSTS, IN CONJUNCTION WITH OTHER TRAVEL. THIS IS OBVIOUSLY CASE IN UNCLASSIFIED

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TWO - AND THREE-OFFICER POSTS WHERE COMPLETE FUNCTIONAL SPECIALIZATION

IS NOT POSSIBLE. UNLESS DEPARTMENT AUTHORIZES CURTAILMENT OF OTHER REQUIRED FUNCTIONS, THERE IS HARDLY ANYMORE TIME TO BE SQUEEZED FROM PRESENT STAFF AT ANY POST. OTTAWA, HALIFAX AND QUEBEC CITY CAN TRY TO MEET MONTHLY SCHEDULES AT PRISONS WHERE AMCITS NOW HELD WITH CURRENT PERSONNEL, BUT WILL NOT BE ABLE TO MAINTAIN THEM IF MORE PRISONER LOCATIONS ARE ADDED. ALL OTHER POSTS DEFINITELY WILL REQUIRE INCREASED STAFF.

6. WHILE TOTAL OFFICER-DAYS NEEDED AMOUNT TO ABOUT TWO OFFICER-YEARS, DISPERSION OF POSTS MEANS THAT MINIMUM OF FIVE ADDITIONAL OFFICERS WOULD ACTUALLY BE REQUIRED (ONE EACH FOR VANCOUVER, CALGARY, WINNIPEG , TORONTO AND MONTREAL) TORONTO WOULD NEED ADDITIONAL OFFICIAL VEHICLE. SINCE TRAVEL COSTS OFHMONTHLY VISITS WOULD AMOUNT TO 60 PERCENT OF CURRENT TOTAL PROGRAM TRAVELTBUDGET FOR ENTIRE COUNTRY, ADDITIONAL DOLS 28,000 WOULD HAVE TO BE PROVIDED BY DEPARTMENT.

7. "CIRCUIT RIDER" APPROACH WOULD BE MORE ECONOMIC SOLUTION. TWO OFFICERS, ASSIGNED FOR INSTANCE IN OTTAWA AND WINNIPEG, COULD PROVIDE ADEQUATE ADDITIONAL SERVICE TO PRISONS WHICH CANNOT NOW BE VISITED MONTHLY. ADDITIONAL TRAVEL COSTS WOULD BE ABOUT SAME AS FOR FIVE OFFICERS DISPERSED AMONG POSTS. EMBASSY DOES NOT AGREE WITH COMMENT IN PARA 4 REF (A) THAT CIRCUIT RIDER PROPOSAL INCOMPATIBLE WITH CASEWORKER CONCEPT. IN FACT, CIRCUIT RIDER MAKING REGULAR VISITS TO SAME SERIES OF PRISONS WOULD PROVIDE BETTER CONTINUITY THAN WOULD VISITS BY NON-CONSULAR PERSONNEL DRAFTED AD HOC FOR VISITS AS THEIR SCHEDULES PERMIT.

8. QUESTION IS NOT WHETHER PRISONER VISITS ARE CONSIDERED

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"PERIPHERAL" OR "OPTIONAL," AS STATED PARA 3 REF (A), BUT WHETHER ONE REGULATORY FUNCTION CAN BE GIVEN ABSOLUTE FIRST CLAIM ON ALL RESOURCES, IN COMPETITION WITH OTHER REGULATORY AND STATUTORY RESPONSIBILITIES. WE CANNOT IN GOOD CONSCIENCE REQUEST ADDITIONAL RESOURCES OUTLINED ABOVE WITHOUT POINTING OUT ONCE MORE, FOR REASONS GIVEN IN REF (B), THAT DEMAND FOR MONTHLY VISITS IS NOT WARRANTED BY PRISON CONDITIONS IN CANADA. EMBASSY WOULD WELCOME VISIT TO CANADIAN PRISONS BY APPROPRIATE DEPARTMENT OFFICERS, TO REVIEW FIRST-HAND SOCIAL SERVICES, MEDICAL CARE, DIET, LIVING CONDITIONS, WORK OPPORTUNITIES AND OTHER FACILITIES AVAILABLE TO AMCIT PRISONERS IN CANADA. EMBASSY BELIEVES DEPARTMENT SHOULD CONSIDER PARTICULAR CIRCUMSTANCES OBTAINING IN CANADA BEFORE MAKING FIRM DECISIONS ON FREQUENCY OF VISITS AND RESOURCE ALLOCATION.
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